

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL A. YOCOM,

Petitioner,

v.

ATTORNEY GENERAL,

Respondent.

No. 1:20-cv-01141-DAD-SAB (HC)

ORDER DENYING PETITIONER'S SECOND
MOTION FOR RECONSIDERATION

(Doc. No. 23)

Before the court is petitioner Michael A. Yocom's second motion for reconsideration of the court's prior order dismissing petitioner's petition for federal habeas relief because petitioner's direct appeal of his state court judgment of conviction is still pending before the state appellate court. (Doc. No. 23.) This court already denied petitioner's first motion for reconsideration (Doc. No. 18) because petitioner failed to provide any basis under Federal Rule of Civil Procedure 60(b) to support reconsideration of the court's order dismissing the petition. (Doc. No. 22 at 3.) In that order, the court admonished petitioner that "[n]o further filings will be entertained in this closed case." (*Id.*)

Nevertheless, on December 11, 2020, petitioner filed the pending second motion for reconsideration (Doc. No. 23), which, as with his first motion for reconsideration, again fails to identify any basis under Federal Rule of Civil Procedure 60(b) for this court to reconsider its finding that petitioner's direct appeal of his state court judgment of conviction is still pending

1 before the state appellate court, and thus his petition for federal habeas relief must be dismissed.
2 Accordingly, plaintiff's second motion for reconsideration will be denied. In addition, plaintiff is
3 again admonished that this case is closed, and the court will not entertain any further filings in
4 this case nor issue further orders in response thereto.

5 Accordingly,

- 6 1. Petitioner's motion for reconsideration (Doc. No. 23) is denied;
- 7 2. This case shall remain closed;
- 8 3. No further filings will be entertained in this closed case; and
- 9 4. No further orders will issue in response to unauthorized filings by petitioner.

10 IT IS SO ORDERED.

11 Dated: **December 14, 2020**

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14 UNITED STATES DISTRICT JUDGE
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